

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

NORTHUMBERLAND COUNTY)
RETIREMENT SYSTEM and)
OKLAHOMA LAW ENFORCEMENT)
RETIREMENT SYSTEM, Individually)
and On Behalf of All Others Similarly)
Situating,)

Plaintiffs,)

vs.)

GMX RESOURCES INC., KEN L.)
KENWORTHY, JR., JAMES A.)
MERRILL, JEFFERIES & COMPANY,)
INC., HOWARD WEIL)
INCORPORATED, MORGAN KEEGAN)
& COMPANY, INC., CAPITAL ONE)
SOUTHCOAST, INC., COLLINS)
STEWART LLC, PRITCHARD)
CAPITAL PARTNERS, LLC, TUDOR,)
PICKERING, HOLT & CO.)
SECURITIES, INC., MERRILL LYNCH,)
PIERCE, FENNER & SMITH)
INCORPORATED, BBVA SECURITIES)
INC., FORTIS SECURITIES LLC,)
WEDBUSH MORGAN SECURITIES)
INC., CREDIT SUISSE SECURITIES)
(USA) LLC and SMITH CARNEY &)
CO., P.C.,)

Defendants.)

Case No. CIV-11-520-D

DEFENDANTS' NOTICE OF PENDING MOTIONS

Pursuant to Section II.A.2.c. of the Electronic Filing Policies and Procedures Manual, Defendants state that there were no motions pending in state court at the time of the filing of the Notice of Removal.

Respectfully submitted,

s/Mack J. Morgan III

MACK J. MORGAN III, OBA #6397
L. MARK WALKER, OBA # 10508
HARVEY D. ELLIS, OBA #2694
MELANIE W. RUGHANI, OBA #30421
CROWE & DUNLEVY
A Professional Corporation
20 North Broadway Ave., Suite 1800
Oklahoma City, Oklahoma 73102
Telephone: (405) 235-7700
Facsimile: (405) 239-6651
mack.morgan@crowedunlevy.com
mark.walker@crowedunlevy.com
harvey.ellis@crowedunlevy.com
melanie.rughani@crowedunlevy.com

-AND-

KENNETH P. HELD (*pro hac vice* request
forthcoming)
L. RONALD ORAN (*pro hac vice* request
forthcoming)
VINSON & ELKINS LLP
1001 Fannin Street, Suite 2300
Houston, Texas 77002
Telephone: (713) 758-2222
Facsimile: (713) 615-5219
kheld@velaw.com
roran@velaw.com

**ATTORNEYS FOR DEFENDANTS GMX
RESOURCES, INC., KEN L. KENWORTHY,
JR. AND JAMES A. MERRILL**

s/Joe M. Hampton

(*signed by filing attorney with permission*)
JOE M. HAMPTON, OBA # 11851
CORBYN HAMPTON PLLC
211 N Robinson, Suite 1910
Oklahoma City, Oklahoma 73102

Telephone: (405) 239-7055
Facsimile: (405) 702-4348
JHampton@Corbynhampton.com

-AND-

ADAM S. HAKKI (*pro hac vice* request
forthcoming)
CHRISTOPHER R. FENTON (*pro hac vice*
request forthcoming)
SHEARMAN & STERLING LLP
599 Lexington Avenue
New York, New York 10022
Telephone: (212) 848-4000
Facsimile: (212) 848-7179
ahakki@shearman.com
cfenton@shearman.com

**ATTORNEYS FOR THE UNDERWRITER
DEFENDANTS BVA SECURITIES, INC.,
CAPITAL ONE SOUTHCOAST, INC.,
COLLINS STEWART LLC, CREDIT SUISSE
SECURITIES (USA) LLC, FORTIS
SECURITIES LLC, HOWARD WEIL
INCORPORATED, JEFFERIES &
COMPANY, INC., MERRILL LYNCH,
PIERCE, FENNER & SMITH
INCORPORATED, MORGAN KEEGAN &
COMPANY, INC., PRITCHARD CAPITAL
PARTNERS, LLC, TUDOR, PICKERING,
HOLT & CO. SECURITIES INC., AND
WEDBUSH MORGAN SECURITIES, INC.**

s/Hugh A. Baysinger

(*signed by filing attorney with permission*)

HUGH A. BAYSINGER
PIERCE, COUCH, HENDRICKSON,
BAYSINGER & GREEN, L.L.P.
1109 North Francis
Oklahoma City, OK 73016
Telephone: 405.235.1611

Facsimile: 405.235.2904
HBaysinger@piercecouch.com

**ATTORNEYS FOR DEFENDANT SMITH
CARNEY & CO. P.C.**

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of May, 2011, a true and correct copy of the above and foregoing was served by U.S. Mail on the following:

Jason E. Roselius	Jeffery J. Angelovich
Derrick L. Morton	Bradley E. Beckworth
Nelson Roselius Terry O'Hara & Morton	Nix Patterson & Roach, LLP
P.O. Box 138800	205 Linda Drive
Oklahoma City, Oklahoma 73113	Daingerfield, Texas 75638

Christopher L. Nelson
Alessandra C. Phillips
Barroway Topaz Kessler Meltzer & Check, LLP
280 King of Prussia Road
Radnor, PA 19087

s/Mack J. Morgan III